



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 8, 2016

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From: Sachi A. Hamai  
Chief Executive Officer

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position to Support SB 1157 (Mitchell).** This measure would require local correctional facilities and juvenile detention facilities that elect to use video or other types of electronic visitation, to additionally provide a minimum number of in-person visits for incarcerated persons. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals to implement long-term recidivism reduction programs and strategies that do not place additional burden on local government or jeopardize public safety, **the Sacramento advocates will support SB 1157.**
- **Legislation of County Interest.** Reports on measures of County interest related to: 1) limiting the use of room confinement in State and local juvenile facilities; and 2) the availability of peace officer personnel records to the public.

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### Pursuit of County Position on Legislation

**SB 1157 (Mitchell)**, as amended on May 31, 2016, would require local correctional facilities and juvenile detention facilities that elect to use video or other types of electronic visitation, to additionally provide a minimum number of in-person visits for incarcerated persons.

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Existing law requires, through regulations, a correctional facility administrator to develop written policies and procedures for inmate visitation which provides for as many visits and visitors as facility schedules, space, and number of personnel will allow. SB 1157 would require that local correctional facilities and juvenile detention facilities that provide for video visitation also provide for in-person visitation. Specifically, this measure would: 1) require that incarcerated persons in a local detention facility used for the detention of persons pending arraignment be allowed no fewer than two in-person visits totaling at least one hour each week; and 2) incarcerated persons in a local detention facility used only for the detention of convicted and sentenced persons, be allowed no fewer than one in-person visit totaling at least one hour per incarcerated person each week.

The Office of the Public Defender (PD) supports the opportunity for in-person visitation for their clients who are in custody. PD notes that should detention facilities exclusively allow for only video visitation, many inmates could miss out on the positive benefits in-person contact with loved ones can provide. PD notes that such benefits are generally in line with the County's goals to reduce recidivism and improve reentry opportunities. The Department of Mental Health (DMH) reports that in-person visits with family are therapeutic for inmates. DMH also expressed concerns for those inmates who are normally unable to have in-person visits with their family members or friends due to an inability to reach the facilities; therefore, an alternative such as video conferencing would also provide therapeutic benefits for those inmates. As such, DMH supports a full scope of services, video and in-person, to support family visitation. The Sheriff's Department reports that the County does not have any plans to build facilities that would exclusively provide for only video visitation, and would, therefore, comply with the requirements of this measure.

This office, PD, and DMH recommend supporting SB 1157. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals to implement long-term recidivism reduction programs and strategies that do not place additional burden on local government or jeopardize public safety, **the Sacramento advocates will support SB 1157.**

SB 1157 is co-sponsored by: CIVIC; Ella Baker Center; Friends Committee on Legislation of California; Legal Service for Prisoners with Children; Prison Law Office; Project WHAT!; Women's Foundation of California; and Women's Policy Institute. It is supported by: American Civil Liberties Union (ACLU); California Immigrant Policy Center; Central American Resource Center (CARECEN-LA); Community Coalition; Familia: Trans Queer Liberation Movement; Essie Justice Group; Healing Dialogue and Action; Human Rights of the Incarcerated; Coalition at UC Berkeley; National Center for

Youth Law; National Compadres Network; A New Way of Life Re-Entry Project; Returning Home Foundation; San Francisco Youth Commission; San Francisco Public Defender's Office, among others. This measure is opposed by the California State Sheriff's Association.

SB 1157 passed the Senate Floor by a vote of 32 to 6 on June 1, 2016, and it now proceeds to the Assembly.

### **Legislation of County Interest**

**SB 1143 (Leno)**, which as amended May 31, 2016, would establish statutory guidelines for the use of room confinement in State and local juvenile facilities, restricting its use only in limited circumstances and under specified use and monitoring protocols.

Current law requires the Board of State and Community Corrections to adopt minimum standards for the operation of juvenile detention centers. SB 1143 would, beginning January 1, 2018, establish statutory guidelines for the use of room confinement, which it defines as the placement of a minor in a locked sleeping room with minimal or no contact with persons other than correctional facility staff and attorneys. This measure would prohibit the use of room confinement: 1) before all other less-restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety of any minor, ward, or staff; 2) for the purposes of punishment, coercion, convenience, or retaliation by staff; or 3) to the extent that it compromises the mental and physical health of the minor. After four hours, SB 1143 would require facility staff to: 1) to return the minor to general population; 2) consult with mental health or medical staff; or 3) develop an individualized plan that includes the objectives to be met in order to reintegrate the minor to general population.

As directed by the Board on May 3, 2016, the Probation Department is working on the implementation of ending the practice of juvenile solitary confinement in the County. The County's new policies and practices in this area are currently under consideration but would be modeled in accordance with the recommendations issued by the United States Department of Justice (DOJ). The DOJ recommendations provide for a minor to be separated from others in very rare situations after all other interventions have been exhausted, for a brief "cool down" period, as a temporary response to behavior that poses a serious and immediate risk of physical harm to any person. It is currently unknown how the County's pending policies would be impacted by the provisions of SB 1143. The Department of Mental Health, who provides mental health services within the County's probation camps, reports that SB 1143 would not create any additional work for the Department, as Probation custodial staff is already able to ask for a mental

evaluation, as needed. The Office of the Public Defender, whose Juvenile Division represents youths in the juvenile justice system, is supportive of any actions to limit the use of solitary confinement and isolation for young offenders.

SB 1143 is co-sponsored by the Chief Probation Officers of California and Ella Baker Center for Human Rights, and supported by American Civil Liberties Union of California; Alliance for Boys and Men of Color; American Friends Service Committee; California Attorneys for Criminal Justice; California Catholic Conference; California Prison Focus; Center on Juvenile and Criminal Justice; Children Now; Children's Defense Fund - California; Children's Law and Policy; Community Works; Communities United for Restorative Youth Justice; Courage Campaign; Equality California; Santa Cruz-Statewide Coordinated Actions to End Solitary Confinement; Women's Foundation of California; Youth Law Center, among others. There currently is no opposition on file.

SB 1143 passed the Senate Floor by a vote of 36 to 0 on June 2, 2016, and it now proceeds to the Assembly.

SB 1143 is similar to **County-supported SB 124 of 2015**, which would have established specific standards and protocols for the use of solitary confinement in State and local juvenile facilities. SB 124 was held in the Assembly Appropriations Committee on August 27, 2015.

**SB 1286 (Leno)**, which as amended on April 21, 2016, would make the personnel records of peace and custodial officers reviewable during investigations or proceedings conducted by civilian review agencies and inspector generals, personnel boards, police commissions, civil service commissions, city councils, or boards of supervisors. In addition, this measure would make peace and custodial officer personnel records and records relating to complaints against peace and custodial officers available for public inspection.

Under current law, peace officer personnel files are exempt from disclosure under the California Public Records Act (CPRA). Discovery of peace officer personnel files in State criminal, civil, and administrative proceedings requires a party seeking access to make a motion in court. SB 1286 would allow peace officer personnel records, redacted to remove personal information, to be available via a CPRA request and to various civil and governmental agencies during investigations against peace officers.

County Counsel reports that SB 1286 would increase transparency of internal investigations into officer misconduct conducted by the Sheriff's Department; however, the measure would have a substantial impact on the operations of the Department and litigation against the County. Specifically, County Counsel notes that this measure

would likely result in: 1) more litigation and increased exposure in existing litigation; and 2) an increase in County time and costs spent responding to public records act requests. In addition, County Counsel notes that SB 1286 would remove any control over peace officer personnel files, once released to the public. Under current law, when such records are released, the County can petition the court for protective orders that provide that the requesting party not disclose the documents to anyone except his or her attorneys and experts for purposes of the pending litigation. Under this measure, an individual who obtains peace officer personnel records through a CPRA request could disclose the documents without any restriction.

SB 1286 is supported by over 20 community advocacy groups, including: Black Lives Matter Sacramento; Black Lives Matter Long Beach; Boys and Men of Color, Santa Ana; California Immigrant Youth Justice Alliance; California Public Defenders Association; California Immigrant Policy Center; Californians for Justice; California Attorneys for Criminal Justice; Ella Baker Center for Human Rights, among others.

This measure is opposed by over 20 associations, including: the Association for Los Angeles Deputy Sheriffs; Association of Orange County Deputy Sheriffs; California Correctional Peace Officers Association; California District Attorneys Association; California Peace Officers Association; California Police Chiefs Association; California State Sheriffs' Association, among others.

SB 1286 was held in the Senate Appropriations Committee on May 27, 2016, and it will not proceed this year.

We will continue to keep you advised.

SAH:JJ:MR  
PC:IGEA:ma

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants